IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

WP(C).No. 28417 of 2007(G)

OS.392/2003 of PRINCIPAL MUNSIFF COURT, OTTAPPALAM
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PETITIONER: ACCUSED 1 TO 3

NALINI, AGED 47 YEARS,
D/O.ULLATTIL GOPALAN NAIR,
MANNANKUNNATH @ CHAKKALAMTHODI, THOTTAKKARA,
OTTAPALAM.

BY ADV. SRI.DINESH MATHEW J.MURICKEN
SRI.P.V.BALAKRISHNAN

RESPONDENTS:

AMMINIKUTTY, REPRESENTED BY POWER OF
ATTORNEY HOLDER MANBULLIKALATHIL RAMACHANDRA
MENON, VADAKKUMTHARA, PALAKKAD TALUK.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 28417 OF 2007

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Dated this the 25th day of September, 2007.

J U D G M E N T

This writ petition is filed to set aside Ext.P4 order. The prayer of the writ petitioner is to send the thumb impression of Chandrasekhara Menon for comparison with the admitted thumb impressions of him so as to prove that he had executed a will. Initially the Court below found that the documents summoned from the Registrar's Office are necessary for the day-to-day affairs of the functioning of the Registrar's Office and therefore it cannot be sent and directed the party to produce other documents for the purpose of the same. In the present I.A. which is disposed of, the Court directed the petitioner, "The petitioner is hereby directed to produce the other documents within 10 days or take steps to cause production of the same." As contended by the learned counsel for the writ petitioner when the original of the documents are with third parties and which is produced before the Court and is send for comparison of the

thumb impression normally inordinate delay is caused for the person who is producing the documents to get back the documents and that creates hesitancy in the minds of those persons to produce such documents. In order to avoid such a contingency, on production of document the Court below is directed to send it to an expert who will be able to furnish an opinion as expeditiously as possible and on receipt of the same, the originals of the document which are summoned for, may be returned back to the party. I also permit the present writ petitioner to take steps for the production of those documents by three weeks thereby extending the time already fixed by the Court below which had already expired.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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